

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Faber Hurtado-Obregon,

Case No. 24-CV-3044 (JRT/TNL)

Petitioner,

v.

**REPORT AND RECOMMENDATION**

United States of America,

Respondent.

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In a letter dated July 30, 2024, this Court directed petitioner Faber Hurtado-Obregon to pay the filing fee for this matter or apply for *in forma pauperis* (“IFP”) status. *See* Dkt. No. 2. Hurtado was given 15 days to pay the filing fee or submit an IFP application, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See id.*

That deadline has now passed, and Hurtado has not paid the filing fee for this matter or applied for IFP status. In fact, Hurtado has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Hurtado, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT  
PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: August 28, 2024

*s/ Tony N. Leung*

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Tony N. Leung  
United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).